

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,

Plaintiff,

v.

Civil Action No. 3:20-CV-710 -MOC-DSC

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.,

Defendants.

NINGBO C.F. ELECTRONIC TECH CO.,
LTD, BLUEWORKS CORPORATION,
NINGBO YISHANG IMPORT AND
EXPORT CO., LTD.,

Counterclaim-
Plaintiffs,

v.

HAYWARD INDUSTRIES, INC.,

Counterclaim-
Defendant

JOINT MOTION FOR A JUDICIAL SETTLEMENT CONFERENCE (EXPEDITED)

Hayward Industries, Inc. (“Plaintiff”) and Blueworks Corporation; Blueworks Innovation Corporation; Ningbo C.F. Electronic Tech Co., Ltd; and Ningbo Yishang Import and Export Co., Ltd. (collectively, “Defendants”) (collectively, with plaintiff, the “Parties”) respectfully move the Court for a Judicial Settlement Conference to mediate this matter before a Magistrate Judge with an expedited date for the judicial settlement conference. There is a reasonable likelihood of

settlement, especially if a judicial settlement conference can occur soon so the Parties' resources are preserved before they conclude expensive expert discovery, file dispositive motions and engage in other pre-trial activity. Fact discovery closed January 17, 2023. Opening expert reports were served January 20, 2023. Rebuttal expert reports are due February 17, 2023.

Further, Defendants' representative, Mr. Chen, is currently in North Carolina for a limited duration until February 28, 2023, before he is scheduled to return to China. In the past, his travel to the United States was restricted by the Chinese government due to Covid. While those restrictions have been lifted, they could be reinstated at any time, and even without those restrictions, it is difficult and expensive for Mr. Chen to travel between China and the United States.

The Parties previously attended a private mediation on November 4, 2021, but that mediation session was not successful. The Parties are optimistic that they will be able to resolve the matter with the assistance of a Magistrate Judge.

Finally, if a date for a judicial settlement conference can be set in the near future, the Parties may be able to avoid filing dispositive motions, further preserving the Court's resources.

For all of these reasons, the Parties respectfully request a judicial settlement conference to mediate this matter before a Magistrate Judge with an expedited mediation date.

Dated: January 30, 2023

HAYWARD INDUSTRIES, INC.

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD, and
NINGBO YISHANG IMPORT AND
EXPORT CO., LTD.

By its attorneys,

By their attorneys,

s/ James H. Donoian

s/ Carla B. Oakley

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***Attorneys for Defendant Blueworks
Corporation, Blueworks Innovation
Corporation, Ningbo C.F. Electronic Tech
Co., Ltd., and Ningbo Yishang Import and
Export Co., Ltd.***

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, the foregoing document was served on all counsel of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

Respectfully submitted,

*s/ Carla B. Oakley*_____